

REMARKS

- I. Reconsideration of rejection of the claims under 35 U.S.C. §112, second paragraph is respectfully requested.

The phrase "the holding and securing device" in claim 1 has been amended to recite "the locking and securing device."

Claim 21 has been amended to recite "a handle".

Claims 41, 43 and 45 have been amended to delete the term "locking member" and insert the term "locking means".

Claim 4 has been cancelled.

Claim 15 has been amended to recite that "the first support defines an engagement member", which is shown in Figs. 1-10.

Applicant submits that such amendment to the claims overcomes the Examiner's rejection and the Examiner is respectfully requested to withdraw this rejection of the claims.

- II. Reconsideration of the rejection of claims 1, 3-8, 12-19, 22, 24-29, 64, 65, 71 and 72 under 35 U.S.C. §102(b) and §103(a) over the Perry '761 reference is respectfully requested.

Applicant has amended the claims to recite that the locking means is "nonthreaded". Support for this amendment is clearly shown in the figures and in the description of the invention showing the rotatable movement without any threading of the locking means into any engagement means.

The Examiner has noted that the Perry '761 reference shows "handles 66 and a locking means 69" which are internal threads, as shown in Fig. 4 in Perry reference and

“a means for engagement 58” which is an externally threaded rod. The Perry reference requires that the externally threaded rod 58 is engaged with the internally threaded disk 66 and the internal thread 69 in order to lock the Perry device. The Perry reference requires that simultaneous movement of pushing a plate 78 upward and grasping the threaded disk and pulling the pin towards the first wall be done in order to disengage the latch pin 62 from the vertical leg 16 of the Perry device. The present invention provides a distinct advantage over the Perry device by providing the worker with an easy to operate locking and securing mechanism. Therefore, the Applicant submits that there is no teaching or suggestion of a scaffold with a locking and securing device, now recited in the amended claims, and the Examiner is respectfully requested to withdraw this rejection of the claims.

III. Reconsideration of the rejection of claims 9, 10, 30, 31, 54 and 55 under 35 U.S.C. §103(a) over the Perry et al reference in view of the Weiland and the rejection of claims 11, 12, 32-35 and 56 over the Perry and Weiland and further in view of the Emmertt references is respectfully requested.

Claims 9 and 10 depend from independent claim 1 which has been amended to recite a nonthreaded locking means.

Independent claim 22, from which claims 30, 31, 32 and 33 depend, has also been amended to recite a nonthreaded locking member.

Independent claim 34 has also been amended to recite a nonthreaded locking means.

Claims 54, 55 and 56 were rejected under these cited references, but Applicant notes that these claims 54, 55 and 56 depend from allowable claim 22. Therefore, the

Applicant submits that such claims 54, 55 and 56 are allowable as indicated by the Examiner.

The Perry, Weiland, and/or Emmertt references taken alone or in combination, fail to teach or suggest a nonthreaded locking means. Therefore, the Applicant submits that the present invention is patentably distinct and the Examiner is respectfully requested to withdraw this rejection of the claims.

IV. Reconsideration of the rejection of:

Claims 1, 2, 13-16, 20, 41-44, 62, 63 and 70 under 35 U.S.C. §103 over the Wyse reference in view of the Brown reference and/or in view of the Smith reference;

Claims 9, 10, 30, 31, 57 and 73-75 under 35 U.S.C. §103 over either the Wyse and Brown, or Wyse, Brown and Smith references and further in view of the Weiland reference; and

Claims 11, 12, 32-40, 45, 46 and 56 under the 35 U.S.C. §103(a) over either the Wyse, Brown and Weiland, or Wyse, Brown, Smith and Weiland as applied to claim 10 above and further in view of the Emmertt reference is respectfully requested.

Independent claims 1, 22 and 34 have been amended to recite the language of claim 5 wherein the nonthreaded locking means includes an engaging means for engagement with the first support when the locking means is in the locked position. Claim 5 was not rejected over any of the Wyse, Brown, Smith, Weiland and/or Emmertt references as applied above. The Applicant submits that the independent claim 1 and claims 13-16, 20, 41-42, 62, 63 (which depend from amended claim 1).

Applicant notes that claim 2 has previously been cancelled and submits that such cancellation obviates the Examiner's rejection. Independent claim 22 (from which claims

30 and 31, 32, 33, 43, 44, 70 depend) and independent claim 34 (from which claims 35-40, 45, 46, 73-75 depend) are also patentably distinct.

As noted above, claim 57 is allowable.

Therefore, the Applicant submits that the present invention as recited in these claims is patentably distinct over the cited Wyse, Brown, Smith, Weiland and/or Emmertt references taken either alone or in any combination, and the Examiner is respectfully requested to withdraw this rejection of the claims.

V. Reconsideration of the rejection of claim 20 under 35 U.S.C. §103(a) over the Perry in view of the Swiderski references is respectfully requested.

Claim 20 depends from amended claim 1. The above discussion of claim 1 clearly shows that claim 1 is patentably distinct over the Perry reference. The Swiderski reference fails to supply any of the deficiencies of the Perry reference. Therefore, the Applicant submits that claim 20 is also patentably distinct and the Examiner is respectfully requested to withdraw this rejection of the claims.

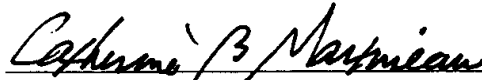
VI. Reconsideration of the rejection of claims 21, 47-61 and 66-69 are in condition for allowance.

Applicant has amended claim 21 from which depend claims 47-61 and 66-69. Applicant submits that the claims are in condition for allowance and a favorable action is respectfully requested.

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In view of the amendments to the claims and the arguments contained herewith, the Applicant submits that the present invention is patentably distinct and a favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Catherine B. Martineau", written over a horizontal line.

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